



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Article No.: 7013 3020 0001 1645 8694

Jane McAllister
Ahlers & Cooney P.C.
100 Court Avenue, Suite 600
Des Moines, IA 50309-2231

Re: Request for Information Pursuant to Section 308 of the Clean Water Act

Dear Mayor Hunt:

This letter requests information regarding compliance by the City of Shenandoah, Iowa, with requirements of its National Pollutant Discharge Elimination System Permit No. IA0032328. A representative from the U.S. Environmental Protection Agency conducted an inspection of the Shenandoah Wastewater Treatment Facility and contributing industries. The inspection was conducted under the authority of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. A copy of the report was sent to the City by letter dated July 28, 2014.

The purpose of this letter is to obtain additional information so the EPA can determine the facility's compliance with the CWA. Section 308(a) of the CWA authorizes the EPA to require the submission of information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.*, including information to determine whether a person is in compliance with the CWA. Under the authority of Section 308(a) of the CWA, the EPA hereby requires the City of Shenandoah to provide the information requested in **ENCLOSURE 1 within thirty (30) days unless otherwise noted therein.**

Guidance on How to Respond

Please read the instructions included in ENCLOSURE 1 carefully before preparing your responses to this Information Request. Your response to this request must be accompanied by a certificate that is signed and dated by an authorized representative of the facility, as identified by 40 C.F.R. § 122.22. The certification must state that the response is complete and contains all information and documentation available to you pursuant to the request. A Statement of Certification is enclosed with this letter (ENCLOSURE 2).

Important Information about This Request and the Response

Compliance with this information request is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

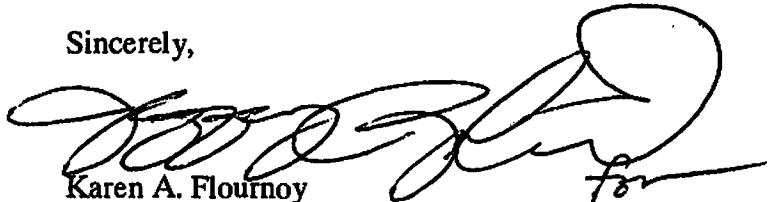
The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The City may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by the EPA only to the extent, and by means, of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the City. Please note that effluent information may not be regarded as confidential.

Information submitted pursuant to this Section 308 information request, with a signed Statement of Certification (ENCLOSURE 2), shall be sent in a manner that allows you to track delivery and addressed as follows:

**Jodi Bruno
U.S. Environmental Protection Agency Region 7
WWPD/WENF
11201 Renner Blvd.
Lenexa, Kansas 66219**

We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Ms. Jodi Bruno, at phone number (913) 551-7810.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen A. Flourney", with a large, stylized flourish at the end.

Karen A. Flourney
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Ted Petersen, IDNR
Greg Scott, City of Shenandoah Wastewater Superintendent

ENCLOSURE 1

INFORMATION REQUEST

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. The Statement of Certification found in ENCLOSURE 2 must be submitted along with your response to this information request. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(b). For your convenience, the text of 40 C.F.R. § 122.22(b) is included on ENCLOSURE 2.
5. If you believe any of the requested information is confidential, you may assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2, Subpart B. Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. Compliance with this information request is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA for seeking, maintaining, or complying with an applicable NPDES permit.
7. All information should be submitted in a manner that allows you to track delivery, and must be submitted to:

Jodi Bruno
U.S. Environmental Protection Agency
WWPD/WENF
11201 Renner Blvd.
Lenexa, Kansas 66219

II. Requested Information

Please submit your response to this Information Request as directed below in Section II, to the address provided in Section I.

Note that except for a cover letter or memorandum and the Statement of Certification, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted on a compact disc or USB thumb drive in PDF, Word, Excel or other widely available digital format.

A. Preliminary Information – Due within 30 days from receipt

1. In each response required below, identify the person to contact regarding your response, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. Please provide the name and credentials of the person(s) providing information in response to this Information Request.

B. Sewage Treatment Plant – Due within 30 days from receipt

3. Provide the daily flow measurements for the City's wastewater treatment plant from January 2010 to present. This should include influent and effluent (outfalls 001 and 002) flow.
4. Provide a detailed flow diagram of the influent flow to the Wastewater Treatment Plant and the effluent flow from the WWTP, including any flow contributed to the City's effluent prior to discharge via outfalls 001 or 002.
5. Provide annual sludge production in dry tons. Estimate the amount of water treatment lime sludge in the City's wastewater sludge.

C. Industrial Users – Due within 30 days from receipt

6. Provide a list of industrial users contributing to the WWTP. Provide a copy of any Treatment Agreements the City has with any of the industrial users.
7. Provide any monitoring data collected by either the city or an industrial contributor collected between January 2010 and present for wastewater discharged to the City's collection system.
8. Did the city develop local limits in response to Pass Through or Interference (as defined by 40 CFR 403.3(p) and (i), respectively) experienced at the WWTP as the result of contributions from an industrial user? If so, provide the developed local limits and their calculations. Explain whether these limits were provided to the Industrial User.

D. Monitoring Requirements – Due within time period identified below

9. In order to determine whether the City is in compliance with its NPDES permit, the City shall sample the influent to its wastewater treatment plant at the headworks and within the collection system immediately downstream of any significant industrial user's discharge to the collection system for flow and the pollutants Biochemical Oxygen Demand, Total Suspended Solids, Total Kjeldahl Nitrogen and ammonia as follows:

- a. Beginning immediately upon receipt of this information request and continuing through November 30, 2014, the City shall monitor/sample the following parameters at the locations and frequencies described below:

Parameter	Locations	Frequency	Sample Type
Flow	WWTP headworks, Each SIU*	Daily	Measured**
BOD	WWTP headworks, Each SIU *	Once per week	24 Hr. Composite
TSS	WWTP headworks, Each SIU *	Once per week	24 Hr. Composite
Ammonia	WWTP headworks, Each SIU *	Once per week	24 Hr. Composite
TKN	WWTP headworks, Each SIU *	Once per week	24 Hr. Composite

* Samples shall be collected of the effluent from each of the Significant Industrial Users, including but not limited to Green Plains Renewable Energy, Americana and Lloyd Labs prior to mixing with other sources of wastewater.

** The City shall report the average daily and daily maximum wastewater influent flow and effluent flow, and SIU effluent flows.

- b. Except as otherwise specified, the City shall perform monitoring/sampling and analysis using the methods required by its NDPEs permit and 40 C.F.R. Part 136. Results of all monitoring/sampling and analysis for all samples collected during the reporting month shall be included in the City's DMRs as required by the City's NPDES permit and 40 C.F.R. § 122.41(l)(4)(ii); and
- c. Periodic Reports on the sampling are to be submitted to the EPA monthly on the 15th day of the month following the completed reporting period. The first report is due on or before November 15, 2014, and shall cover the time period from the receipt of this information request through October 31, 2014. The final report is due December 15, 2015. All Periodic Reports must include the following information:
- a table clearly showing the results of all monitoring during the month (including the date monitoring occurred for each parameter and the result); and
 - copies of the analytical results for all sampling required pursuant to this information request.
10. The City shall in accordance with 40 CFR 503 monitor the sludge produced by the WWTP once in October and once in November 2014 for the metals, expressed as total, listed below. Results shall be reported no later than November 15, 2014, and December 15, 2014: Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Silver, and Zinc. The percent solids of each sample shall also be reported.

ENCLOSURE 2

STATEMENT OF CERTIFICATION

(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).